

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
January 26, 2015

ROLL CALL

Robert Marshall, R.P., Chair, called the meeting of the Board of Pharmacy to order at 8:30 a.m. in the Lighthouse Room of the Country Inn & Suites, located at 5353 North 27th Street, Lincoln, Nebraska. The agenda was provided to Board members, posted on a public bulletin board in the Nebraska State Office Building, posted on the Department's website, and e-mailed to the "interested parties" list prior to the meeting. The following Board members answered roll call:

Robert Marshall, R.P., Chair
Jennifer King, R.P., Vice-Chair
Kenneth Saunders, R.P.
Michael Losee

Absent: Patricia Gollner, R.P., Secretary

A quorum was present and the meeting convened.

Also present were: Julie Agena, Assistant Attorney General; Mike Rueb, R.P., Pharmacy Inspector; Gary Cheloha, R.P., Pharmacy Inspector; Dean Willson, Jr., R.P., Pharmacy Inspector; Vonda Apking, Health Licensing Coordinator; Suzanna Glover-Ettrich, Department Legal; Jeff Newman, Investigator; Dennis Scott, Investigator; Russ Fosler, Investigator; and Larry Wiehn, Investigator; Peggy Persell, Program Manager, Investigations Unit.

Marshall announced that there is a copy of all the public documents being reviewed at this meeting available in the meeting room pursuant to the Open Meetings Act.

REVIEW OF AGENDA

Adoption of Agenda

Saunders moved, seconded by Losee, to approve the agenda as presented with the Chair having the authority to rearrange as needed. Voting aye: King, Losee, Marshall, and Saunders. Voting nay: none. Absent: Gollner. Motion carried.

Additions, Modification, Reordering

The Board requested that the following applications be removed from the consent agenda:

Matthew Fenn – Pharmacy Technician application
Misty Orteiz – Pharmacy Technician application
Heidi Page – Pharmacy Technician Reinstatement application

Adoption of Consent Agenda

King moved, seconded by Saunders, to approve the consent agenda as amended. Voting aye: King, Losee, Marshall, and Saunders. Voting nay: none. Absent: Gollner. Motion carried.

DESIGNATION OF THE METHOD BY WHICH THIS BODY WILL GIVE PUBLIC NOTICE OF ITS MEETINGS

Wisell explained to the Board that the Department posts meeting agendas at the Nebraska State Office Building, sends agendas via e-mail to the interested parties list, and posts agendas on the Department's website. Losee moved, seconded by Saunders, that public meeting notices for the Board of Pharmacy will be posted at the Department, posted on the Department's website, and e-mailed to the "interested parties" list. Voting aye: King, Losee, Marshall, and Saunders. Voting nay: None. Absent: Gollner. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, CONTROLLED SUBSTANCES AUDIT REPORTS & APPLICATION REVIEW – CLOSED SESSION

Saunders moved, seconded by Losee, to close the session at 8:35 a.m. to review investigational reports, disciplinary reports, controlled substances audit reports and applications. Voting aye: King, Losee, Marshall, and Saunders. Voting nay: none. Absent: Gollner. Motion carried.

Teresa Hampton and Kevin Griess, Department Legal joined the meeting at 9:30 a.m.

Marshall recused himself from the meeting at 9:50 a.m.
Marshall returned to the meeting at 10:20 a.m.

Saunders moved, seconded by King, to open the session at 10:58 a.m. Voting aye: King, Losee, Marshall, and Saunders. Voting nay: none. Absent: Gollner. Motion carried.

APPROVAL OF MINUTES

November 17, 2014

Page 1: No changes.

Page 2: No changes.

Page 3: Under FDA DRAFT GUIDELINE – CALL FOR COMMENTS, the 2nd sentence delete the words “only requires” and correct the spelling of the word statutes; Under RESPONSE TO THE PRACTICE QUESTION(S) FROM SEPTEMBER 14, 2014 MEETING, in the 2nd sentence add the word “Board” after the first “The”.

Page 4: No changes.

King moved, seconded by Saunders, to approve the November 17, 2014 minutes as corrected. Voting aye: King, Losee, Marshall, and Saunders. Voting nay: None. Absent: Gollner. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacy Technician Application(s)

King moved, seconded by Losee, to recommend denying the pharmacy technician registration to Matthew Fenn. The basis for the denial is the history of convictions and lack of good character. Voting aye: King, Losee, Marshall, and Saunders. Voting nay: None. Absent: Gollner. Motion carried.

Saunders moved, seconded by King, to postpone action on the pharmacy technician registration application of Misty Orteza for additional information. Voting aye: King, Losee, Marshall, and Saunders. Voting nay: None. Absent: Gollner. Motion carried.

Pharmacy Technician Reinstatement Application(s)

King moved, seconded by Saunders, to recommend reinstating the pharmacy technician registration of Heidi Page. Voting aye: King, Losee, Marshall, and Saunders. Voting nay: None. Absent: Gollner. Motion carried.

Pharmacist Application(s) - CONSENT

Mail Service Pharmacy Renewal Application(s) - CONSENT

PHARMACY TECHNICIAN MANUAL(S) – CONSENT

REVIEW OF PHARMACEUTICAL CARE AGREEMENTS – CONSENT

PRACTICE QUESTION(S)

Opinion of the Board Regarding Pharmaceutical Care Agreements and Adjusting Medication versus Prescribing New Medication

Marshall wrote a response to the question explaining that a pharmacist can enter into a pharmaceutical care agreement with a licensed medical practitioner. Pharmaceutical care agreements do not allow the pharmacist to practice beyond their scope and have not included prescribing. The Board agreed with Marshall's response. The Board did request a Department opinion on Certified Registered Nurse Anesthetist (CRNA) prescribing authority.

Hospice Prescriptions

The Board discussed that federal regulations do not allow a nurse to call in a prescription for a Schedule II controlled substance. The Board requested the Department prepare a response and bring back to the next Board meeting for review.

Office Use Compounding for Veterinary Drugs

James Unwin, DVM, Chair for the Board of Veterinary Medicine and Surgery, offered some background about how compounded veterinary drugs are utilized in the veterinary office. The Board explained that there is not a specific statute that allows a pharmacist to compound drugs for office use but the Board's opinion has been that compounding for office use has been allowed. The Federal Drug Quality and Security Act (FDQSA) prohibits in office use compounding but does not apply to veterinary drugs. Veterinary drugs can be compounded for office use only and cannot be resold. The Board requested help from Department Legal in preparing a response and then staff will bring the response back to the next Board meeting.

REQUEST FOR PHARMACY CONTINUING EDUCATION

The Board reviewed information submitted by Curt Barr, RP, regarding the continuing education course titled "Substance Abuse Prevention Skills Training Sessions 1-4 provided by Substance Abuse and Mental Health Services Administration (SAMHSA). The Board requested additional information to include information about the accrediting body and their accreditation policies and guidelines before approving the continuing education course.

PRESCRIBERS AND PRESCRIBING AUTHORITY CHART

The Board reviewed the updated Prescribers and Prescribing Authority Chart. The Board requested that the Board of Podiatry review the information under the prescribing authority of podiatrists. The Board of Pharmacy's specific question is in the prescribing of anti-anxiety medications. The Board of Pharmacy would like to know whether a podiatrist can only prescribe for pain of the foot, ankle and related governing structures and/or pain to the foot, ankle or related governing structures caused by systemic ailments. The Board requested this information be brought back to the Board at their next meeting.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) ISSUES

Report on the Interactive Board Member Forum

Marshall provided a written report and thanked the Board for allowing him to attend.

Annual Meeting – May 16-19, 2015 – New Orleans, LA – Voting Delegate and Travel Grant Information

King, Marshall, Losee, and Saunders are interested in attending NABP's Annual Meeting. Staff will ask Gollner if she is interested in attending. Losee moved, seconded by Saunders, to designate King as voting delegate and Saunders as alternate voting delegate. Voting aye: King, Losee, Marshall, and Saunders. Voting nay: None. Absent: Gollner. Motion carried.

2016 District V Meeting Planning

Marshall explained the two meeting proposals provided by the Hyatt Place and Courtyard Marriott. The Board agreed to accept the proposal provided by the Courtyard Marriott. Marshall will find out the next step and reserving the meeting space and provide NABP with this information.

Communication with Board Members

Wisell explained that the Department receives information from NABP via an "Electronic Mail Bag" and this information will be provided to the Board members directly from NABP.

SECOND SURESCRIPTS UPDATE ON ELECTRONIC PRESCRIBING FOR CONTROLLED SUBSTANCES (EPCS)

No discussion on this item.

FINAL GUIDANCE – OUTSOURCING FACILITIES UNDER 503B

The Board reviewed the information provided.

2015 LEGISLATION

LB37 - Adopt the Prescription Drug Safety Act and change and transfer pharmacy, prescription, and drug provisions

Joni Cover, the Nebraska Pharmacists Association (NPA) provided the Board with an overview of the bill. The Board received some clarification to language in the bill. King moved, seconded by Saunders to send a letter of support to the Health and Human Services Legislative Committee regarding LB37. Voting aye: King, Losee, Marshall, and Saunders. Voting nay: None. Absent: Gollner. Motion carried.

LB50 - Change provisions relating to Medicaid covered services

No discussion on this bill as it has been withdrawn.

LB115 - Prohibit certain actions related to social security numbers

Wisell explained that this bill would not impact the Board of Pharmacy because the Uniform Credentialing Act (UCA) requires an applicant to provide their social security number on application for professional licensure.

LB264 - Provide for issuance of credentials under the Uniform Credentialing Act based on military education, training, or experience

The bill provides for special provisions for military. Board decided to watch this bill.

LB369 - Change provisions relating to impaired credential holders under the Uniform Credentialing Act

Wisell explained that this is a Department bill to bring our statutes in line with the Americans with Disabilities Act. The Board decided to watch this bill.

LB189 - Change provisions and penalties relating to marijuana and alphabetize definitions

The Board took no action.

LB332 - Appropriate funds for the statewide prescription drug disposal project

The Board will watch this bill.

LB342 - Permit insurers to contract for pharmacist professional services

The Board took no action.

LB390 - Provide for the medical use of cannabidiol as prescribed and create the Medical Cannabidiol Pilot Study

The Board will watch this bill.

LB452 - Change provisions relating to advertisement by credential holders

The Board will watch this bill.

LB471 - Change provisions relating to prescription drug monitoring

The Board requested clarification of this bill regarding access to program.

LB546 - Authorize administration of naloxone as prescribed

The Board will watch this bill.

LB567 - Permit transfer of prescription information between pharmacies as prescribed

The Board discussed that federal law may prohibit this. King moved, seconded by Saunders, to provide a letter of opposition for LB567 because federal law prohibits the transfer of a controlled substances prescription. Voting aye: King, Losee, Marshall, and Saunders. Voting nay: None. Absent: Gollner. Motion carried.

LB643 - Adopt the Cannabis Compassion and Care Act

The Board will watch this bill.

The Board requested that 172 NAC 128 and 175 NAC 8 be updated for Board review.

ELECTION OF OFFICERS

Saunders moved, seconded by King, to nominate King for Chairperson, Gollner for Vice-Chairperson, and Losee for Secretary. Voting aye: King, Losee, Marshall, and Saunders. Voting nay: None. Absent: Gollner. Motion carried.

ADJOURNMENT

Losee moved, seconded by Saunders, to adjourn the meeting at 1:38 pm. Voting aye: King, Losee, Marshall, and Saunders. Voting nay: None. Absent: Gollner. Motion carried.

Respectfully submitted,

Michael Losee, Secretary
Board of Pharmacy